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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,731	08/19/2003	Masamichi Ebata	03500.017487	3791
5514 7590 11/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PATEL, CHIRAG R	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 11/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/642,731

Applicant(s)

EBATA, MASAMICHI

Examiner

Chirag R. Patel

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-10,13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) 20-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-10,13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s).

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes that claims 2-3, 5, 11-12, and 14 are cancelled by the applicants and claims 20-28 are withdrawn by the applicants.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6-10, 13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazano et al. – hereinafter Lazano (US 2004/0030809).

As per claims 1, 10, and 19, Lazano discloses an information processing apparatus that can has multiple control programs for performing processing corresponding to printer functions, comprising:

a first obtaining unit configured to obtain, from a first print control module, version information on a version of the first print control module and printer type

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information on a printer type supported by the first print control module; ([0046]; the printer driver is identified, and the printer's type and other information)

a second obtaining unit configured to obtain, from a second print control module, version information on a version of the second print control module and printer type information on a printer type supported by the second print control module; ([0046]; information retrieved from a central server database which contains information about all of the possible drivers available for that particular type of printer.)

a recording unit configured to, if the printer type information obtained by said first and second obtaining units is identical to each other, record the version information on a newer one of the versions of the first and second control modules in correspondence with the printer type information as correspondence information; ([0085])

a recognition unit configured to recognize printer type information on a printer type of a certain printer; ([0046])

a selection unit configured to select the version information recorded in correspondence with the printer type information recognized by said recognition unit by referring to the correspondence information recorded by said recording unit; and ([0042])

an execution unit configured to execute one of the first and second print control modules for the version information selected by said selection unit. ([0043])

As per claims 4 and 13, Lazano discloses the information processing apparatus according to Claim 1, said recording unit records the correspondence information in a table format, including the printer type information -programs, the version information and identification information for the print control module. ([0081], Appendix A)

As per claims 6 and 15, Lazano discloses the information processing apparatus according to Claim 1, further comprising a setting unit configured to set the print control module for the version information selected by said selection unit such that the print control program module can control the printer. ([0042])

As per claims 7 and 16, Lazano discloses the information processing apparatus according to Claim 6, further comprising a control unit configured to inhibit activation of a print control program module for the version information that is not selected by said selection unit. ([0078]; A test is made at 502 as to which operating system is present on the computer. If Windows 95 or 98 is found, then at step 506 driver information is obtained using the specific application programmer interface calls for those versions of Windows. Otherwise, at step 504 the driver information is read using Windows 2000 A.P.I. call; the driver that is not selected is inhibited.)

As per claims 8 and 17, Lazano discloses the information processing apparatus according to Claim 6, further comprising:

an identification unit configured to identify a first control program that controls the printer not based on a selection result by said selection unit and a second control program that controls the printer based on a result by said selection unit; and ([0077]-[0079])

an activation control unit configured to perform control such that the first control program is activated when said identification unit recognizes that the first control program exists. ([0077]-[0079])

As per claims 9 and 18, Lazano discloses The information processing apparatus according to Claim 6, wherein said setting unit recognizes that the print control module can control a device printer among printers supported by the print control program module when a database file exists that stores control conditions and control variables for the peripheral. ([0077]-[0079])

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://paired.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Chirag Patel  
Patent Examiner  
AU 2141 C.P.

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER